



HC0020HAM001

LRB099 04093 JWD 47366 a

1 AMENDMENT TO HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT 20

3 AMENDMENT NO. ____ . Amend House Joint Resolution
4 Constitutional Amendment 20 by replacing lines 3 through 24 on
5 page 1 and all of pages 2 through 13 with the following:

6 "RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
7 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
8 SENATE CONCURRING HEREIN, that there shall be submitted to the
9 electors of the State for adoption or rejection at the general
10 election next occurring at least 6 months after the adoption of
11 this resolution a proposition to amend Section 12 of and to add
12 Section 12.1 to Article VI of the Illinois Constitution as
13 follows:

14 ARTICLE VI
15 THE JUDICIARY

1 (ILCON Art. VI, Sec. 12)

2 SECTION 12. ELECTION ~~AND RETENTION~~

3 (a) Supreme, Appellate and Circuit Judges shall be
4 nominated at primary elections or by petition. Judges shall be
5 elected at general or judicial elections as the General
6 Assembly shall provide by law. A person eligible for the office
7 of Judge may cause his name to appear on the ballot as a
8 candidate for Judge at the primary and at the general or
9 judicial elections by submitting petitions. The General
10 Assembly shall prescribe by law the requirements for petitions.

11 (b) The office of a Judge shall be vacant upon his death,
12 resignation, retirement, removal, or upon the conclusion of his
13 term without retention in office. Whenever an additional
14 Appellate or Circuit Judge is authorized by law, the office
15 shall be filled in the manner provided for filling a vacancy in
16 that office.

17 (c) A vacancy occurring in the office of Supreme, Appellate
18 or Circuit Judge shall be filled as the General Assembly may
19 provide by law. In the absence of a law, vacancies may be
20 filled by appointment by the Supreme Court. A person appointed
21 to fill a vacancy 60 or more days prior to the next primary
22 election to nominate Judges shall serve until the vacancy is
23 filled for a term at the next general or judicial election. A
24 person appointed to fill a vacancy less than 60 days prior to
25 the next primary election to nominate Judges shall serve until

1 the vacancy is filled at the second general or judicial
2 election following such appointment.

3 ~~(d) Not less than six months before the general election~~
4 ~~preceding the expiration of his term of office, a Supreme,~~
5 ~~Appellate or Circuit Judge who has been elected to that office~~
6 ~~may file in the office of the Secretary of State a declaration~~
7 ~~of candidacy to succeed himself. The Secretary of State, not~~
8 ~~less than 63 days before the election, shall certify the~~
9 ~~Judge's candidacy to the proper election officials. The names~~
10 ~~of Judges seeking retention shall be submitted to the electors,~~
11 ~~separately and without party designation, on the sole question~~
12 ~~whether each Judge shall be retained in office for another~~
13 ~~term. The retention elections shall be conducted at general~~
14 ~~elections in the appropriate Judicial District, for Supreme and~~
15 ~~Appellate Judges, and in the circuit for Circuit Judges. The~~
16 ~~affirmative vote of three fifths of the electors voting on the~~
17 ~~question shall elect the Judge to the office for a term~~
18 ~~commencing on the first Monday in December following his~~
19 ~~election.~~

20 ~~(e) A law reducing the number of Appellate or Circuit~~
21 ~~Judges shall be without prejudice to the right of the Judges~~
22 ~~affected to seek retention in office. A reduction shall become~~
23 ~~effective when a vacancy occurs in the affected unit.~~

24 (Source: Illinois Constitution.)

25 (ILCON Art. VI, Sec. 12.1 new)

1 SECTION 12.1. JUDICIAL RETENTION PROCEDURES

2 (a) Not less than 12 months before the general election
3 preceding the expiration of the term of office, a Judge may
4 file in the office of the Secretary of State a declaration of
5 candidacy for retention. An Independent Judicial Review
6 Commission shall be established in each Judicial District for
7 Supreme Court Judges and Appellate Judges, and in each Circuit
8 for Circuit Judges, to determine the qualifications of Judges
9 who have declared their candidacy for retention. Upon receipt
10 of a declaration of candidacy for retention, the Secretary of
11 State shall notify the persons making appointments to an
12 Independent Judicial Review Commission.

13 (b) The Supreme Court shall establish rules for the conduct
14 of each Commission, including, but not limited to, the
15 submission of public comments, the disclosure of documents, and
16 a process to appeal a decision of a Commission.

17 (c) Each Commission shall have twelve members who reside in
18 the Judicial District or Circuit. Three members of each
19 Commission shall be appointed by the Attorney General and three
20 by the next officer not affiliated with the same political
21 party as the Attorney General in the following order: (i)
22 Governor, (ii) Secretary of State, (iii) Comptroller, (iv)
23 Treasurer, (v) President of the Senate, (vi) Speaker of the
24 House of Representatives, (vii) Minority Leader of the House of
25 Representatives. Six members of each Commission shall be
26 appointed by the Supreme Court, except that no Judge of the

1 Supreme Court who has announced his or her candidacy for
2 retention shall participate in the selection of members of a
3 Commission for the Judicial District in which that Judge
4 serves. The terms of members of each Judicial Review Commission
5 shall begin immediately upon their selection, and shall expire
6 on the first Monday in November of the same year. Appointments
7 shall be made within 30 days of receiving notification from the
8 Secretary of State. A vacancy shall be filled by the officer
9 responsible for the initial appointment.

10 (d) Each Commission shall consider candidates qualified to
11 serve another term if they have demonstrated, by their
12 performance in the position for which they are seeking
13 retention and otherwise, that they are qualified to occupy that
14 office. Candidates shall be considered free from
15 discrimination based on age, color, gender, marital status,
16 national origin, physical disability, sexual orientation,
17 race, or religion.

18 (e) If at least seven of the members of a Commission find
19 the candidate qualified to serve another term, the candidate
20 shall be retained in office for a full term commencing on the
21 first Monday in December following the general election.

22 (f) Not less than six months before the general election, a
23 Commission shall submit a report to the Chief Justice
24 indicating candidates it has found qualified.

25 (g) A candidate who has not been found qualified for
26 retention by a Commission shall have the right to stand for

1 retention at the next general election by the electorate in the
2 Judicial District for Supreme and Appellate Judges or Circuit
3 for Circuit Judges. No later than 150 days before the general
4 election, the candidate shall file with the Secretary of State
5 a declaration of candidacy for retention by the electorate. The
6 Secretary of State shall certify the candidacy to the proper
7 election officials. The names of Judges seeking retention shall
8 be submitted to the electors, separately and without party
9 designation, on the sole question of retention in office for
10 another term. The affirmative vote of three-fifths of the
11 electors in the Judicial District or Circuit who cast ballots
12 on the question of the Judge's retention shall be necessary for
13 the Judge to continue in that office for a full term commencing
14 on the first Monday in December following the general election.

15 (h) A law reducing the number of Appellate or Circuit
16 Judges shall be without prejudice to the right of the Judges
17 affected to seek retention in office. A reduction shall become
18 effective when a vacancy occurs in the affected unit.

19 SCHEDULE

20 This Constitutional Amendment takes effect upon being
21 declared adopted in accordance with Section 7 of the Illinois
22 Constitutional Amendment Act."